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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,944	03/27/2001	James C. Bedingfield	0220-080	9851

38823 7590 10/30/2007

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EXAMINER

CAMPBELL, JOSHUA D

ART UNIT	PAPER NUMBER
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2178

MAIL DATE	DELIVERY MODE
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10/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/817,944

Applicant(s)

BEDINGFIELD, JAMES C.

Examiner

Joshua D. Campbell

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6,7,10,11,13,16 and 18-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,7,10,11,13,16 and 18-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Request for Continued examination filed 10/4/2007.
2. Claims 1, 3, 4, 6, 7, 10, 11, 13, 16, and 18-26 are pending in this case. Claims 1, 7, and 11 are independent claims. Claims 1, 7, 11, 18-21, and 23 have been amended. Claims 2, 5, 8, 9, 14, and 15 have been cancelled. Claims 24-26 have been newly added.
3. The rejection of claims 1, 3, 4, 6, 7, 10, 11, 13, 16, 19, and 21-23 under 35 U.S.C. 102(b) as being anticipated by Davis et al. (hereinafter Davis, US Patent Number 5,937,160, issued on August 10, 1999) has been withdrawn due to amendments.
4. The rejection of claims 18 and 20 under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (hereinafter Davis, US Patent Number 5,937,160, issued on August 10, 1999) as applied to claims 1, 7, and 11 above, and further in view of Patterson (US Patent Application Publication Number 2003/0028608, filed on January 15, 1999) has been withdrawn due to amendments.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 1, 3, 4, 6, 7, 10, 11, 13, 16, and 18-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (hereinafter Davis, US Patent

Number 5,937,160, issued on August 10, 1999) as applied to claims 1, 7, and 11 above, and further in view of Patterson (US Patent Application Publication Number 2003/0028608, filed on January 15, 1999).

Regarding independent claim 1, Davis discloses a method in which an update profile is accessed which contains a named URL, an update frequency for that URL, an e-mail address, and a update type (port) (column 10, line 55-column 11, line 12 and column 13, line 51-column 14, line 64 of Davis). Davis discloses that different ports (sections which consist of graphics and/or text) of the website may be specifically designated by the update profile (column 1, lines 36-51 and column 10, line 20-column 11, line 12 of Davis). Davis discloses that a determination about whether that URLs content is to be updated is made based on the update frequency (column 13, line 51-column 14, line 64 of Davis). If the URL needs to be updated a user is notified via e-mail at which point the user accesses the page which causes the server to retrieve a copy of the page and present it to the user (column 13, line 51-column 14, line 64 of Davis). The user then submits a revised copy of the page via email at which point the server updates the URL based on the revised copy (column 2, line 36-column 3, line 35 of Davis). Davis does not explicitly disclose a method in which a copy of the content is sent to the user from the server as an attachment. However, Patterson discloses a method in which web content is sent to a user as an attachment in an e-mail (page 2-3, paragraphs 0026-0030 of Patterson). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the method of Davis with the method of Patterson because it would have allowed the user to be supplied

with the content to be updated without interrupting the current operations being performed by the user.

Regarding dependent claims 3 and 4, Davis discloses a method in which the web site content includes an update log and that the log is updated whenever a page is last checked and last updated (column 13, line 51-column 14, line 64 of Davis).

Regarding dependent claim 6, Davis discloses a method in which an update profile comprises a web page on a web site (column 13, line 51-column 14, line 64 of Davis).

Regarding independent claim 7 and dependent claim 10, the claims incorporate substantially similar subject matter as claims 1 and 6. Thus, the claims are rejected along the same rationale as claims 1 and 6.

Regarding independent claim 11, Davis discloses a method in which a server, having non-volatile memory and software for updating and e-mailing resident on the server (column 6, line 7-column 8, line 39 of Davis), has a way to communicate with a named party and a web hosting server accesses an update profile which contains a named URL, an update frequency for that URL, an e-mail address, and a update type (port) (column 10, line 55-column 11, line 12 and column 13, line 51-column 14, line 64 of Davis). Davis discloses that different ports (sections which consist of graphics and/or text) of the website may be specifically designated by the update profile (column 1, lines 36-51 and column 10, line 20-column 11, line 12 of Davis). Davis discloses that a determination about whether that URLs content is to be updated is made based on the update frequency (column 13, line 51-column 14, line 64 of Davis). If the URL

needs to be updated a user is notified via e-mail at which point the user accesses the page which causes the server to retrieve a copy of the page and present it to the user (column 13, line 51-column 14, line 64 of Davis). The user then submits a revised copy of the page via email at which point the server updates the URL based on the revised copy (column 2, line 36-column 3, line 35 of Davis). Davis does not explicitly disclose a method in which a copy of the content is sent to the user from the server as an attachment. However, Patterson discloses a method in which web content is sent to a user as an attachment in an e-mail (page 2-3, paragraphs 0026-0030 of Patterson). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the method of Davis with the method of Patterson because it would have allowed the user to be supplied with the content to be updated without interrupting the current operations being performed by the user.

Regarding dependent claim 13, Davis discloses a method in which an update profile comprises a web page on a web site (column 13, line 51-column 14, line 64 of Davis).

Regarding dependent claim 16, Davis discloses a method in which the web site content includes an update log and that the log is updated whenever a page is last checked and last updated (column 13, line 51-column 14, line 64 of Davis).

Regarding dependent claims 18 and 20, Davis discloses that the revisions to the website content may include text formatted content and the updating includes mapping the text to hypertext markup language (column 10, line 55-column 11, line 12 of Davis).

Regarding dependent claim 22, Davis discloses that the revisions to the website content may include text formatted content and the updating includes mapping the text to hypertext markup language (column 10, line 55-column 11, line 12 of Davis).

Regarding dependent claims 19, 21, and 23, Davis discloses that different ports (sections which consist of graphics and/or text) of the website may be specifically designated by the update profile (column 1, lines 36-51 and column 10, lines 20-29 of Davis).

Regarding dependent claims 24-26, Davis discloses that different types (ports - sections which consist of graphics and/or text) of the website may be specifically designated by the update profile in a custom setting (column 1, lines 36-51 and column 10, lines 20-column 11, line 12 of Davis).

Response to Arguments

7. Applicant's arguments filed 10/4/2007 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The examiner agrees that Davis does not explicitly disclose a method in which a copy of the content is sent to the user from the server as an attachment. However, Patterson discloses a method in which web content is sent to a user as an attachment

in an e-mail (page 2-3, paragraphs 0026-0030 of Patterson). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the method of Davis with the method of Patterson because it would have allowed the user to be supplied with the content to be updated without interrupting the current operations being performed by the user. Arguing that Patterson does not teach other features of the claimed invention does not provide any basis for overcoming the rejection, rather the applicant must show why it is believed the combination of the teachings of the two references would not make the claimed invention obvious. Additionally, the examiner would like to point out that it is notoriously well-known in the art that HTML web pages can be transmitted as e-mail attachments and this ability is by no means believed to be a novel or inventive feature in the applicant's claims.

8. Applicant's arguments with respect to claims 1, 7, and 11 regarding the use of update types have been considered but are moot in view of the new ground(s) of rejection.

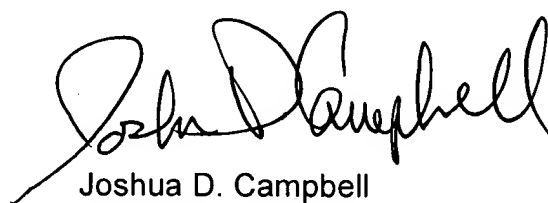
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2178

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Joshua D. Campbell". The signature is fluid and cursive, with the first name "Joshua" and last name "Campbell" clearly distinguishable.

Joshua D. Campbell
October 24, 2007